



ATTORNEY DOCKET NO. 14028.0284U2
Serial No. 09/810,999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Neville et al.)
Serial No. 09/810,999) Group Art Unit: 1642
Filed: March 16, 2001) Examiner: Ewoldt, Gerald R.
For: "USE OF IMMUNOTOXINS TO INDUCE)
TOLERANCE TO PANCREATIC ISLET)
TRANSPLANTATION")

DECLARATION OF DAVID M. NEVILLE, JR. UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

Dear Sir:

I, David M. Neville, Jr., a citizen of the United States, residing at 9624 Parkwood Drive, Bethesda, Maryland 20814, declare that:

1. I am a co-inventor with Judith M. Thomas and Francis T. Thomas of the above-referenced patent application and of the subject matter described and claimed therein.
2. I am co-inventor of the international patent application PCT/US96/05087 (WO 96/32137) with Judith M. Thomas, Joshua Scharff and Stuart Knechtle.
3. I understand that the PCT publication PCT/US96/05087 (WO 96/32137) reference is been applied in a rejection against claims 1, 2, 4-8, 10, 12, and 13 of the above referenced

application. Specifically, I understand that the reference to the administration of an anti-CD3-CRM9 immunotoxin for T cell depletion, and the administration of an immunosuppressant, as a method of inhibiting a rejection response to the transplantation of pancreatic islet cells in WO 96/32137 is being applied in a rejection against claims 1, 2, 4-8, 10, 12, and 13 of the above referenced application.

4. Dr. Judith M. Thomas, Dr. Joshua Scharff, Dr. Stuart Knechtle and I are the only four co-inventors of the invention disclosed in PCT publication Serial No. WO 96/32137.

5. Dr. Judith M. Thomas, Dr. Francis T. Thomas and I are the only three co-inventors of the subject matter of claims 1, 2, 4-8, 10, 12, and 13 of the present application.

6. Dr. Joshua Scharff and Dr. Stuart Knechtle did not participate in the conception and reduction to practice of the subject matter of claims 1, 2, 4-8, 10, 12, and 13.

7. I further declare that all statements made herein are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent issuing therefrom.

David M. Neville, Jr.
DAVID M. NEVILLE, Jr.

12-3-04
DATE